

REMARKS

Claims 1-28 are pending in this application. No claims have been canceled, amended or added. Accordingly, claims 1-28 remain pending in the case.

Claims 1-2 and 5-11 are rejected under 35 U.S.C. 102(3) as being anticipated by Samuelsson et al. (6,425,890). Applicants respectfully traverse.

The present invention is directed to, inter alia, a feminine hygiene pad comprising:
a main pad body having an absorbent core positioned between a cover material and a barrier layer, a rear end which in use is located in proximity to a wearer's buttocks and an opposed front end, a first face adapted to contact with the wearer's body and an opposing second face adapted to face toward an undergarment of the wearer, a main pad body thickness being defined as the dimension of the main pad body from the first face to the opposing second face, said main pad body adapted to be worn in close proximity to the vagina of the wearer;

said absorbent core being adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use;

said feminine hygiene pad further comprising a strip, said strip being substantially planar and relatively small in thickness compared to the main pad body thickness, and said strip extending rearwardly from said rear end of the main pad body, terminating at a distal end and having a length as measured from said rear end of the main pad body to the distal end;

wherein said feminine hygiene pad being configured such that said strip is adapted to be received between the buttocks of the wearer to thereby facilitate retaining said main pad body adjacent to the wearer's vagina; and
said feminine hygiene pad further comprising an adjustment means whereby the length of said strip is adjustable by the wearer.

It is alleged by the Patent Office that the feminine pad disclosed in Samuelsson et al. anticipates the above described invention. Applicants respectfully disagree with this position. As acknowledged by the Patent Office, the feminine pad 1 comprises a main pad body having a front end portion 8 and a rear portion 9. (see column 5, lines 1-6) The main pad body further comprises a shape retaining element 5, a first absorbent body 6 and a second absorbent body 7. Contrary to the assertion of the Patent Office, structural element 9 is a rear portion of the main pad body and is not a strip of material extending rearwardly from the main pad body and being adapted to be received between the buttocks of a wearer in use. In fact, the overall shape and design of the feminine pad in Samuelsson et al is that of a conventional sanitary napkin and has none of the features of the present claimed invention relating to the strip that extends beyond a main pad body.

Moreover, claim 1, as noted above requires the feminine hygiene pad to comprise an adjustment means whereby the length of the strip is adjustable by the wearer. The Patent Office has cited column 4, lines 35 to 57 to support its position that the rear portion 9 of the feminine pad is comprised of materials that are able to be stretched. This position is factually incorrect. The materials disclosed in the cited portions of Samuelsson et al are not inherently stretchable. To the contrary, unless specifically designed to do so, most non-woven fabrics, knitted fabrics, woven fabrics or scrims are not considered to be stretchable. Moreover, rear portion 9 contains second absorbent body 7, which as disclosed at column 7, lines 12 to 15, is formed from tissue layers, wadding layers, synthetic or natural fibers, layers of cellulose fluff pulp, absorbent foam layers or the like. When these materials are laminated to the liquid pervious and liquid impervious cover materials disclosed at column 4, the resultant structure is not stretchable. In view of the foregoing, rear portion 9 of the feminine hygiene pad of Samuelsson et al is likely not inherently stretchable. Accordingly, Samuelsson et al cannot be considered to anticipate the present claimed invention and the present rejection should be withdrawn.

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Claims 3-4 and 12-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 3 has been re-written in independent form and is now considered to be in condition for allowance. Claim 4 and 12 tp 18 are believed to be patentable for the above reasons of record.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version with markings to show changes made".

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

3. (Twice Amended) A feminine hygiene pad comprising:

a main pad body having an absorbent core positioned between a cover material and a barrier layer, a rear end which in use is located in proximity to a wearer's buttocks and an opposed front end, a first face adapted to contact with the wearer's body and an opposing second face adapted to face toward an undergarment of the wearer, a main pad body thickness being defined as the dimension of the main pad body from the first face to the opposing second face, said main pad body adapted to be worn in close proximity to the vagina of the wearer;

said absorbent core being adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use;

said feminine hygiene pad further comprising a strip, said strip being substantially planar and relatively small in thickness compared to the main pad body thickness, and said strip extending rearwardly from said rear end of the main pad body, terminating at a distal end and having a length as measured from said rear end of the main pad body to the distal end;

wherein said feminine hygiene pad being configured such that said strip is adapted to be received between the buttocks of the wearer to thereby facilitate retaining said main pad body adjacent to the wearer's vagina; and

said feminine hygiene pad further comprising an adjustment means whereby the length of said strip is adjustable by the wearer [as recited in claim 1], wherein said strip is less than 1 cm in thickness.